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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,387	05/21/2001	Andrew D. Padawer	50037.19US01/MS#164070.1	8873

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EXAMINER

THAI, XUAN MARIAN

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,387

Applicant(s)

Taylor et al.

Examiner

X. CHUNG-TRAN

Group Art Unit

2181

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 2/12/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-22 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-22 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. This is responsive to the amendment filed on 2/12/02.

Claim 1-22 are pending in this application.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (5,542,0350).

As per claim 1 and 6, Kikinis discloses the invention substantially as claimed, comprising:
a timer (RCT 26) configured to generate a wake event upon the expiration of a countdown time;
a first set of data including a sleep time and a wake time (col. 3, lines 45-50); a second set of data including other times (col.3, lines 11-15, col. 4, lines 3-10); means configured to store and retrieve time data; and an application configured to put the device in a low power consumption state substantially near the sleep time and to bring the device out of the low power consumption state substantially at the earlier of the wake time or one of the other time (col.4, lines 3-61).

Kikinis does not explicitly disclose the second set of data including other times. Kikinis, however, discloses the TCPM routines configured to set startup time and shutdowns according to specific events (col.3, lines 45-50). Therefore, it would have been obvious to one skilled in the art at the

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time the invention was made that the Kikinis system must include the second set of data as claimed.

As per claim 2, Kikinis disclose not to bring the device out of the low power consumption if the device has been shut off by the switch (col. 1, lines 39-59).

As per claims 3, Kikinis disclose the user interface configured to receive the first set of data and the second set of data (kbd and col.4, lines 4, lines 62- 66).

As per claims 4-5, Kikinis does not explicitly disclose about the placing of the device into or out of the low power consumption state. Kikinis, however, disclose the use of earlier or later startups and/or shutdowns (36-42). Therefore, it would have been obvious to one of ordinary in the art, at the time the invention was made, that the Kikinis system must abort the placing of the device into or out of the low power consumption state. This is because Kikinis specifically teach a system that provide an easy adjustment of startup and shutdown time to accommodate shift work, holidays, weekends, etc. and thereby provide both flexible and energy-efficient (col.1, lines 47-56 and col. 3, lines 45-49).

As per claims 10-22, these claims recite a method steps substantially corresponding to the system claims 1-6. Therefore, they are rejected under a similar rational.

4. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis as applied to claim 1 above, and further in view of Vossler (6317593) and/or Vong et al. (6209011).

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As per claims 7-9, Kikinis does not explicitly disclose the predetermined event including appointment time , meeting time or a task expiration time. Both Vossler and Vong, however, discloses such a predetermined event schedule (Vossler,abstract and col. 8, lines 10-54; Vong , col. 1, lins 30-36, col. 5, lines 8-18). Therefore, it would have been obvious to one skilled artisan at the time the invention was made to include such event schedule as taught by Vossler and Vong into the Kikinis system in order to activate or deactivate the device and to help schedule event and to perform other function according to the user's need.

5. The additional cited references are considered as art being relevant to this application.

Applicant is requested to consider them when responding to this Office action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xuong M. Chung-Trans whose telephone number is (703) 305-9772. The examiner can normally be reached on Tuesday-Friday from 7:00 AM to 11:30 AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Wong , can be reached on (703) 305-3477. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X.M.Chung-Trans



PETER WONG
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